

REMARKS

This amendment is filed with a request for continued examination pursuant (RCE) to 37 C.F.R. §1.114. Claims 6, 9, 19 remain pending in this application. Claim 10 is canceled. Claims 6, 9, 19 are amended with minor changes, to place this application in better position for allowance or appeal pursuant to 37 C.F.R. §1.116.

Moreover, we wish to point out certain inconsistencies in the present action; inconsistencies which the Examiner should consider in maintaining the current rejections of claims 6, 9, 19. In other words, reconsideration of the present rejections is requested.

In the current office action of November 3, 2003, the Examiner first points out that the Office Action of June 3, 2003 rejected claim 6 based upon 35 U.S.C. §103, as if an improper reply was made. However, in our reply filed September 2, 2003, we certainly did note that claim 6 was rejected as "obvious" and prepared and filed the appropriate argument negating obviousness: specifically, that Chu does not teach or suggest "rectangular pins" and that it therefore Chu alone fails to render claim 6 obvious since it fails in a key requirement of 35 U.S.C. §103: that each and every element be taught in the reference. We further stated the following:

"We further ask for evidence available in the prior art that would suggest modification of Chu to render the rectangular pins of Applicants' claim 6. Chu also does not provide such a suggestion. A rectangular cross-sectional shape changes the thermal transfer function through the interface, as compared to cylindrical pins. Since rectangular pins are not taught, suggested, nor motivated by the prior art, reconsideration and allowance of claim 6 is requested."

It is understood that we have the right to ask for evidence, pursuant to MPEP §2144, when one disagrees with the Examiner's assertion of the prior art – as we did in the response of September 3, 2003. Moreover, the Examiner responded that different shape pins perform equally well, and yet we noted that the thermal

transfer function would *change* with rectangular pins. The Examiner continues this argument in the present final action. Accordingly, we provide, herewith, an inventor affidavit pursuant to 37 C.F.R. §1.132, which traverses this rejection and which shows that rectangular pins indeed provide advantages.

In addition, the Examiner refers to claim 6 of Chu as evidence of rectangular pins; however, claim 6 merely cites "pin-pistons" within "cylindrical openings." This is clearly not a suggestion of rectangular pins. Accordingly, the Examiner has not provided evidence supporting the assertion that Chu, with one of "ordinary skill," would render claim 6 obvious. We asked for evidence, and still ask for evidence supporting this assertion. *See* MPEP §2144.

With regard to claim 9 and 19, the Examiner now argues that a rubber disclosed by Chu may be "inherently" thermally conductive. In making this argument, the Examiner cites Furon Silicon Rubber (Lamb patent 5,920,457). This argument is not appropriate, since Chu clearly has no teaching or suggestion of thermal conductivity in its material 36 (see Chu, FIG. 6 and col. 4, lines 3-20). The new assertion of the Lamb patent is also not appropriate, and raises new art in the finality of the current office action. Moreover, and as we noted before, Chu *teaches away* from the use of thermally conductive sponges (see Chu, col. 4, lines 3-20). In addition, the enclosed inventor affidavit also supports finding that Chu does not disclose a thermally conductive sponge-like material of claims 9, 19.

Claim 10 is now canceled. The Examiner is requested to reconsider the rejections of claims 6, 9, 19 pursuant to the enclosed arguments and inventor affidavit.

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It is believed that no fees are due in connection with this amendment. If any additional fee is due, please charge Deposit Account No. 08-2025.

Respectfully submitted,

By   
Peter C. Knops, Reg. No. 37,659  
LATHROP & GAGE, L.C.  
2345 Grand Boulevard, Suite 2400  
Kansas City, MO 64108  
Tele: (816) 460-5826  
Fax: (816) 292-2001